FILED
2008 MAR -7 PM 12:48
BY KNH

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

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| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>AGAPITO ASUNCION-DIAZ,<br>Defendant. | Criminal Case No. '08 CR 0681 W<br>I N D I C T M E N T<br>Title 21, U.S.C., Secs. 952 and 960 - Importation of Marijuana; Title 21, U.S.C., Sec. 841(a)(1) - Possession of Marijuana with Intent to Distribute |

The grand jury charges:

Count 1

On or about February 24, 2008, within the Southern District of California, defendant AGAPITO ASUNCION-DIAZ did knowingly and intentionally import 100 kilograms and more, to wit: approximately 335.82 kilograms (738.80 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

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Count 2

On or about February 24, 2008, within the Southern District of California, defendant AGAPITO ASUNCION-DIAZ did knowingly and intentionally possess, with intent to distribute, 100 kilograms and more, to wit: approximately 335.82 kilograms (738.80 pounds) of marijuana, a Schedule I Controlled Substance; in violation of Title 21, United States Code, Section 841(a)(1).

DATED: March 7, 2008.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:
CARLA J. BRESSLER
Assistant U.S. Attorney